

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of,)
 [REDACTED]) DOCKET NO. 18249
 Petitioner.)
) DECISION
)
)

On June 8, 2004, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination (NODD) to [Redacted] (taxpayer), proposing income tax, penalty, and interest for taxable years 2000, 2001, and 2002 in the total amount of \$32,199.

The taxpayer filed a timely appeal. He did not request a conference. The Tax Commission, having reviewed the file, hereby issues its decision based upon the information contained in the file.

Tax Commission records showed the taxpayer was an Idaho resident who appeared to meet the state income tax filing requirements. The Bureau attempted to contact the taxpayer for an explanation of why his 2000 through 2002 Idaho returns had not been filed, but he did not respond to the inquiries.

[Redacted] Idaho Code § 63-3045 (1)(a) states:

63-3045. Notice of redetermination or deficiency -- Interest.

(1) (a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this title, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer by registered or certified mail or by other commercial delivery service providing proof of delivery, whichever is the most cost efficient. The notice shall be sent to the taxpayer's last address known to the state tax commission. The notice of deficiency shall be accompanied by an explanation of the specific reason for the determination and an explanation of the taxpayer's right to appeal. Within sixty-three (63) days after such notice is mailed, the taxpayer may, at his option, file a protest in writing with the state tax commission and obtain redetermination of the deficiency.

The Bureau prepared the missing Idaho returns on behalf of the taxpayer and sent him a NODD.

The taxpayer filed a timely protest and submitted the three missing returns on September 10, 2004. After review, the taxpayer's 2001 and 2002 Idaho returns were accepted as prepared. However, the 2000 return was not acceptable. It did not include all of the income reported [Redacted] as monies paid to the taxpayer.

The Bureau sent the taxpayer a letter to inform him that his 2001 and 2002 Idaho returns were accepted as submitted and the portion of the NODD addressing those two years was canceled. The taxpayer's 2001 and 2002 Idaho individual income tax returns will not be a part of this decision.

The Bureau wrote the taxpayer a letter wherein the sources and amounts of income the taxpayer had failed to report in the 2000 Idaho return he submitted were listed in detail. The Bureau asked the taxpayer to prepare and submit a corrected Idaho return to include all income from all sources.

On October 12, 2004, the taxpayer advised the Bureau his accountant was revising the return to include all income. The Bureau asked the taxpayer to provide the return by November 30, 2004. When the return did not arrive, the taxpayer's file was transferred to the Legal/Tax Policy Division for administrative review.

Tax Commission records show that during 2000 the taxpayer was an Idaho resident with Idaho sourced income in excess of Idaho's filing requirement. These facts the taxpayer does not dispute. However, Tax Commission records show an accurate Idaho return has not been filed.

The Bureau used the W-2 and 1099 information [Redacted] to calculate the taxpayer's Idaho tax amount. The standard deduction and credit for one personal exemption were allowed. Withholding that was identified in Tax Commission records (\$3,340) and a grocery credit reduced the tax amount. The Bureau added interest and penalty pursuant to Idaho Code §§ 63-3045 and 63-3046. The Tax Commission reviewed those additions and found them proper and in accordance with Idaho Code.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Com'n, 110 Idaho 572 (Idaho App. 1986). Having presented no information in support of his argument, the taxpayer has failed to meet his burden of proving error on the part of the deficiency determination. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

WHEREFORE, the Notice of Deficiency Determination dated June 8, 2004, is hereby MODIFIED and, as so modified, is APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayer pay the following tax, penalty, and interest for 2000:

<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
\$700	\$175	\$173	\$1,048

Interest is computed through March 1, 2005.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of taxpayer's right to appeal this decision is enclosed with this decision.

DATED this ____ day of _____, 2005.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I have on this _____ day of _____, 2005, served a copy of the within and foregoing DECISION by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[REDACTED]
[REDACTED]
[REDACTED]

Receipt No.

[Redacted] _____